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45. (New) A communication method according to Claim 34, further comprising the step of requesting deletion of an e-mail stored in the e-mail server based upon a judgment in said judging step.

REMARKS

This application has been reviewed in light of the Office Action dated April 24, 2001. Claims 29-45 are presented for examination. Claims 29-31, 33-36, and 39-43 have been amended to define more clearly what Applicant regards as the invention. Claims 44 and 45 have been added to provide Applicant with a more complete scope of protection. Claims 29, 34, and 39 are in independent form. Favorable reconsideration is requested.

Claims 29-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,765,170 (Morikawa) in view of U.S. Patent No. 5,619,648 (Canale et al).

Applicant submits that independent Claims 29, 34, and 39, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 29 is a communication device. Reception means is included for receiving an e-mail at the communication device from an e-mail server. Acquisition means is included for acquiring size information of an e-mail, stored in the e-mail server, from the e-mail server before reception by the reception means. A memory stores e-mails received by the reception means. Judgment means is included for judging whether it is possible or not to receive at the communication device an e-mail stored in the e-mail server, according to the size information and an empty capacity of the memory. Output means is included for visually outputting warning information indicating that an e-mail to the communication device, stored in the e-mail server, cannot be received, as a result of a judgment by the judgment means. Claims 34 and 39 relate to a communication method and a computer-readable memory medium, respectively, which recite subject matter substantially similar to

Claim 29.

Morikawa, as understood by Applicant, relates to an electronic mail processing system and method. Canale et al., as understood by Applicant, relates to techniques for message filtering. Apparently, Canale et al. teaches techniques for reducing the amount of junk e-mail received by a user of an e-mail system.

One important feature of Applicants' Claim 29 is acquisition means for acquiring size information of an e-mail, stored in the e-mail server, from the email server before reception by the reception means.

The Office Action cites Morikawa as disclosing acquisition means, namely the user mail server 6 of Fig. 1. The user mail server 6, however, is merely a database having a plurality of folders (see column 6, lines 16-18). Morikawa makes no suggestion that the user mail server 6 acquires e-mail size information stored in another server, or, alternatively, stores e-mail size information for acquisition by another server. Fig. 2 of Morikawa shows the arrangement of data in a mail M, including mail length D7 and attachment file length D11; however, this length information cannot be acquired if the mail M is not received. Nothing has been found, or pointed out, in Morikawa that would teach or suggest "acquisition means for acquiring size information of an e-mail, stored in the e-mail server, from the e-mail server before reception by said reception means," as recited in Claim 29. Canale et al. is not believed to remedy this deficiency of Morikawa.

Another important feature of Applicant's Claim 29 is judgment means for judging whether it is possible or not to receive at the communication device an e-mail stored in the e-mail server, according to the size information and an empty capacity of the memory.

The Office Action cites Morikawa as showing the recited judgment means in Figs. 1 and 2, in column 6, line 2 to column 7, line 37; and in column 8, lines 15-67. Nothing in the cited portions of Morikawa, however, is believed to relate to "judging whether it is possible or not to receive at said communication device an e-mail stored in the e-mail server, according to

the size information and an empty capacity of said memory,” as recited in claim 29. Canale et al. is not believed to remedy this deficiency of Morikawa.

Another important feature of Applicant’s Claim 29 is output means for visually outputting warning information indicating that an e-mail to the communication device, stored in the e-mail server, cannot be received, as a result of a judgment by the judgment means.

The Office Action states that Canale et al. discloses the claimed output means for visually outputting warning information (using the mail filter of Fig. 1), in Figs. 1 and 3; in the abstract; in column 3, line 12 to column 4, line 34; and in column 7, line 28, to column 8, line 56. The cited portions of Canale et al., however, merely relate to filtering junk e-mail from regular e-mail. Nothing in Canale et al. is believed to teach “output means for visually outputting warning information indicating that an e-mail to said communication device, stored in the e-mail server, cannot be received, as a result of a judgment by said judgment means,” as recited in Claim 29.

Accordingly, Applicant submits that Claim 29 is patentable over the combination of Morikawa and Canale et al. Independent Claims 34 and 39 recite features substantially similar to the features discussed above with respect to Claim 29, and are seen to be patentable for at least those same reasons. Withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

A review of the other art of record has failed to reveal anything that, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, these claims are respectfully submitted to be patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim

on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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29. (Amended) A communication device comprising:

reception means for receiving an e-mail at said communication device from an
e-mail server;

[an] acquisition means for acquiring [the] size information of an e-mail, stored
in [an] the e-mail server, from [said] the e-mail server before reception by said reception means;

[a reception means for receiving an e-mail at said communication device from
said e-mail server;]

a memory for storing e-mails received by said reception means;

[a] judgment means for judging whether it is possible or not to receive at said
communication device an e-mail stored in [said] the e-mail server, according to [said] the size
information and an empty capacity of said memory; and

[an] output means for visually outputting warning information indicating that
an e-mail to said communication device, stored in [said] the e-mail server, cannot be received, as
a result of [said] a judgment[, when] by said judgment means [makes such judgment].

30. (Amended) A communication device according to claim 29, wherein [said]
the size information [contains the] includes a size of image data, when an e-mail received from
[said] the e-mail server contains image data.

31. (Amended) A communication device according to claim 29, further

comprising [a] recording means, wherein said output means generates a report indicating [said] the warning information and records it using said recording means.

33. (Amended) A communication device according to claim 29, wherein, when a plurality of e-mails are stored in [an] the e-mail server, said communication device executes reception of e-mails from [said] the e-mail server in a predetermined order, until said judgment means judges that it is impossible to receive an e-mail.

34. (Amended) A communication method, comprising the steps of:

receiving an e-mail from an e-mail server;

acquiring [the] size information of an e-mail, stored in [an] the e-mail server, from the e-mail server before said receiving step;

[receiving an e-mail from the e-mail server;]

storing e-mails received in said receiving step, in a memory;

judging whether it is possible or not to receive an e-mail stored in the e-mail server, according to the size information and an empty capacity of the memory; and

visually outputting warning information indicating that an e-mail, stored in the e-mail server, cannot be received, as a result of [the] a judgment made in said judging step.

35. (Amended) A communication method according to claim 34, wherein the size information [contains the] includes a size of image data, when an e-mail received from the e-mail server contains image data.

36. (Amended) A communication method according to claim 34, wherein said outputting step includes generating a report indicating the warning information, and

said method further [comprising] comprises the step of recording the report, using recording means.

39. (Amended) A computer-readable memory medium storing executable code for performing a communication method that comprises the steps of:

receiving an e-mail from an e-mail server;

acquiring [the] size information of an e-mail, stored in [an] the e-mail server, from the e-mail server before said receiving step;

[receiving an e-mail from the e-mail server;]

storing e-mails received in said receiving step, in a memory;

judging whether it is possible or not to receive an e-mail stored in the e-mail server, according to the size information and an empty capacity of the memory; and

visually outputting warning information indicating that an e-mail, stored in the e-mail server, cannot be received, as a result of [the] a judgment made in said judging step.

40. (Amended) A memory medium according to claim 39, wherein the size information [contains the] includes a size of image data, when an e-mail received from the e-mail server contains image data.

41. (Amended) A memory medium according to claim 39, wherein said outputting step includes generating a report indicating the warning information, and [said] the method further comprises the step of recording the report, using recording means.

42. (Amended) A memory medium according to claim 41, wherein [said] the method further comprises the step of converting a received e-mail into image data and recording that e-mail using the recording means.

43. (Amended) A memory medium according to claim 39, wherein [said] the method further comprises the step of, when a plurality of e-mails are stored in the e-mail server, executing reception of e-mails from the e-mail server in a predetermined order, until it is judged in said judging step that it is impossible to receive an e-mail.

44. (New) A communication device according to Claim 29, further comprising:

delete request means for requesting deletion of an e-mail stored in the e-mail server based upon a judgment by said judgment means.

45. (New) A communication method according to Claim 34, further comprising the step of requesting deletion of an e-mail stored in the e-mail server based upon a

judgment in said judging step.

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